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Chapter 13 Trustee 6308 Iola Avenue (806) 748-1980 Phone (806) 748-1956 Fax

### IN THE UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS WICHITA FALLS DIVISION

IN RE: CASE NO: 10-70294-HDH-13
HEARING DATE: 4/20/2011

ELLERY SCOTT CANNON HEARING DATE: 4/20/2011
ELLEN ANN CANNON HEARING TIME: 10:00 AM

## TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (if required)

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2010-01 and would respectively show unto to the Court as follows:

## I. OBJECTION -- NO PROOF OF CLAIM FILED

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
015 0 U OSTC		\$976.46	017 0 U	SEARS	\$1,841.00

II.

### **SPECIFIC OBJECTIONS**

No Objections

# III. TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
SECURED CI	REDITORS						
008 0 BAC HO	ME LOAN SERVICING LP	HOME ARREARS THRU 7-2010	\$9,431.61	\$141,951.00	8.00%	54	\$236.39 PAID BY TRUSTE
Decreased ter	rm from 60 to 54 months. See mo	dification below.					
011 0 CAPITAL	ONE AUTO FINANCE	2005 DODGE PU	\$8,252.76	\$13,000.00	9.00%	54	\$211.06 PAID BY TRUSTE
Decreased ter	rm from 60 to 54 months. See mo	dification below.					
012 0 WICHITA	A COUNTY	2010 PROPERTY TAXES	\$1,620.94	\$3,613.03			PD DIRECT BY DEBTOR
013 0 FORD M	OTOR CREDIT COMPANY	2007 FORD FREESTYLE	\$17,945.60	\$15,850.00	9.00%	54	\$368.01 PAID BY TRUSTE
Decreased ter	rm from 60 to 54 months. See mo	dification below					

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Decreased term from 60 to 54 months. See modification below. 020 0 BAC HOME LOAN SERVICING LP

DIRECT PMTS BEGIN 8-2010

\$131,901.45 \$141,951.00

PD DIRECT BY DEBTOR

023 0 \* BURKBURNETT ISD Not provided for in confirmed plan. See modification below.

2010 PROPERTY TAXES

\$0.00 \$150,543.00

PD DIRECT BY DEBTOR

#### **UNSECURED GENERAL CREDITORS**

Trustee CI	m# Creditor Name	Claim Amount		Trustee Clm#	Creditor Name	Claim Amount
009 0 U	AMERICAN INFOSOURCE LP	\$2,255.10	_	013 1 U	FORD MOTOR CREDIT COMPANY	\$2,095.60
	PURCHASES				SPLIT CLAIM/2007 FORD FREESTYLE	

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

### IV.

### TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2010-01 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

All creditors shall be treated over a 54 month plan term.

The secured claim filed by Burkburnett ISD for \$1,758.68 shall be valued at \$150,543 and paid direct.

Debtors plan term shall decrease from 60 to 54 months. Debtor shall pay \$940 per month beginning July 2010 for 10 months; then Debtor shall pay \$1,091 per month beginning May 2011 for 9 months; then Debtor shall pay \$1,260 per month beginning February 2012 for the remaining 35 months for a total plan base amount of \$63,319.00. Plan remains a 100% plan to the unsecured creditors.

> /s/ Walter O'Cheskey Walter O'Cheskey Chapter 13 Trustee

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IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 4/20/2011 AT 10:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2010-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

Walter O'Cheskey Chapter 13 Trustee

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I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: <u>2/9/2011</u> /s/ Walter O'Cheskey

Walter O'Cheskey Chapter 13 Trustee

AMERICAN INFOSOURCE LP ON BEHALF OF MIDLAND FUNDING PO BOX 248897 OKLAHOMA CITY OK 73124

ASCENSION CAPITAL GROUP INC ATTN: CAPITAL ONE AUTO FINANCE DEPT ACCT 7895190 PO BOX 201347 ARLINGTON TX 76006

BAC HOME LOAN SERVICING LP 7105 CORPORATE DRIVE PLANO TX 75024

BAC HOME LOAN SERVICING LP BANKRUPTCY DEPT; 7105 CORPORATE DRIVE MAIL STOP TX2-982-0303 PLANO TX 75024

BAC HOME LOANS SERVICING LP 400 NATIONAL WAY MAIL STOP CA6-919-01-23 SIMI VALLEY CA 93065

BANK OF AMERICA CUSTOMER SERVICE PO BOX 5170 SIMI VALLEY CA 93062

BANK OF AMERICA PO BOX 17054 WILMINGTON DE 19850

BASSEL & WILCOX PO BOX 11509 FORT WORTH TX 76110

BURKBURNETT ISD C/O PERDUE BRANDON FIELDER COLLINS & MOT PO BOX 8188 WICHITA FALLS TX 76307

BURKBURNETT ISD PO BOX 608 BURKBURNETT TX 76354

CAPITAL ONE AUTO FINANCE 3901 N DALLAS PKWY PLANO TX 75093

CAPITAL ONE AUTO FINANCE C/O ASCENSION CAPITAL GROUP PO BOX 201347 ARLINGTON TX 76006

CITY OF WF, WFISD, WICHITA COUNTY CO PERDUE BRANDON FIELDER COLLINS & MOTT PO BOX 8188 WICHITA FALLS TX 76307

ELLERY SCOTT CANNON & ELLEN ANN CANNON 2409 MISSILE RD WICHITA FALLS TX 76306

FIA CARD SERVICES BANK OF AMERICA 1000 SAMOSET DRIVE DE5-023-03-03 NEWARK DE 19713

FORD MOTOR CREDIT COMPANY DRAWER 55-953 CHAPTER 13 PO BOX 55000 DETROIT MI 48255

FORD MOTOR CREDIT COMPANY PO BOX 6275 DEARBORN MI 48121

FORD MOTOR CREDIT CORPORATION NATIONAL BANKRUPTCY CENTER PO BOX 537901 LIVONIA MI 48153

GE MONEY BANK C/O RECOVERY MANAGEMENT SYSTEMS CORP 25 SE 2ND AVE STE 1120 MIAMI FL 33131

INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA PA 19101

INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101

MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301

OSTC #1 WEST MEDICAL COURT WICHITA FALLS TX 76310

RECONTRUST CO NA 2380 PERFORMANCE DR TX29850703 RICHARDSON TX 75082

SEARS PO BOX 6189 SIOUX FALLS SD 57117

TEXOMA COMMUNITY CREDIT UNION PO BOX 1320 WICHITA FALLS TX 76307

UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102

US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242

US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530

WICHITA COUNTY PO BOX 1471 WICHITA FALLS TX 76307

WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242